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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 THOMAS SEAMAN,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security

11 Defendant.

Case No. C09-5353KLS

ORDER TO SHOW CAUSE

12
13 This matter comes before the Court on plaintiff's filing of an application to proceed *in*
14 *forma pauperis* and a complaint to review and set aside a decision of the Social Security
15 Administration under 42 U.S.C. § 405(g). To file a complaint and initiate legal proceedings
16 plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma*
17 *pauperis*.

18
19 By requesting the court to proceed *in forma pauperis*, plaintiff is asking the government
20 to incur the filing fee because he allegedly is unable to afford the costs necessary to proceed with
21 his cause of action. In his application, plaintiff indicates his last employment was sometime in
22 1997, when he made a little more than \$2,000.00. (Dkt. #1). Yet he also states therein that he
23 currently has more than \$1,700.00 in a checking account. Because it is unclear the source or
24 sources of the money in that account, the Court requires further clarification of this issue before
25 it can determine plaintiff's eligibility for *in forma pauperis* status.
26

In addition, Local Rule CR 3(b) provides in relevant part:

ORDER - 1

1 At the time application is made under 28 U.S.C. § 1915 or other applicable
2 acts of Congress, for leave to commence any civil action or to file any petition or
3 motion without being required to prepay fees and costs or give security for them,
4 each petitioner, movant or plaintiff shall:

(1) Complete the in forma pauperis affidavit approved for use in this
district; and

(2) File a written consent that the recovery, if any, in the action, to such
amount as the court may direct, shall be paid to the clerk who may pay therefrom
all unpaid fees and costs taxed against the plaintiff, and to his attorney the amount
which the court allows or approves as compensation for the attorney's services.

7 Plaintiff, however, has not submitted the written consent required by Local Rule CR 3(b)(2).

8 Accordingly, the Court hereby finds and ORDERS as follows:

9 (1) Plaintiff shall seek to cure these deficiencies by filing no later than **July 17, 2009**,

10 (a) a written explanation as to the source or sources for the money currently in his
11 checking account, including whether he expects to continue receiving additional
12 funds from such or other source(s) in the future, and (b) the written consent required
13 by Local Rule CR 3(b)(2).
14

15 **Failure to cure these deficiencies by the above date shall be deemed a failure to**
16 **properly prosecute this matter and the Court will recommend dismissal of this**
17 **matter.**

18 (2) The Clerk is directed to send a copy of this Order to counsel for plaintiff.
19

20 DATED this 17th day of June, 2009.

21
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23 

24 Karen L. Strombom
25 United States Magistrate Judge
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